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10/732,909	12/10/2003	Ira Marlow	9809/1/3	6895

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EXAMINER

KURR, JASON RICHARD

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/732,909	MARLOW, IRA	
	Examiner	Art Unit	
	Jason R. Kurr	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/30/04 9/12/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 13 and 25 are objected to because of the following informalities:

Claims 13 and 25 contain the acronym OEM, which is not described in the claim as being limited to "Original Equipment Manufacturers" as disclosed in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 20 contain the trademark/trade name "Bluetooth". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a wireless connection and, accordingly, the identification/description is indefinite.

Art Unit: 2615

Claims 8 and 22 contain the trademark/trade names "XM" and "SIRIUS". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe satellite tuners and, accordingly, the identification/description is indefinite.

Claims 12 and 24 contain the trademark/trade name "Firewire". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe IEEE standard 1394 and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 7-9, 12, 14-15, 21-22, 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Falcon (US 6,993,615 B2).

With respect to claim 1, Falcon discloses a docking station for docking and integrating a portable audio device (fig.2,4 #102) for use with a car stereo (fig.1 #108, fig.4 #200, col.2 ln.48-51), comprising: a base portion; a bottom member connected to the base portion; a top member connected to the base portion, the base portion, bottom member, and top member defining a cavity for receiving a portable device (col.3 ln.41-49); and an integration device (fig.2 #142) positioned within the base portion for integrating the portable device with a car stereo (col.3 ln.34-40). As described by Falcon in column 3 lines 41-49, the portable computing device is capable of being docked to an appliance in a number of assorted ways, wherein one of these ways includes inserting the device in a recessed portion of the appliance. A recessed portion would include a base portion with surrounding walls (bottom and top members) for

Art Unit: 2615

surrounding the portable device. This can be seen in figure 4 of Falcon, wherein the portable device (#102) is docked within a recessed portion of the appliance (#200).

With respect to claim 3, Falcon discloses the apparatus of claim 1, wherein the base portion comprises a connector for connecting the integration device with the portable device (col.3 ln.43-46).

With respect to claim 7, Falcon discloses the apparatus of claim 1, wherein the portable device comprises a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, or satellite receiver (col.6 ln.41-47).

With respect to claim 8, Falcon discloses the apparatus of claim 7, wherein the satellite tuner comprises an XM or SIRIUS satellite tuner (col.6 ln.41-47).

With respect to claim 9, Falcon discloses the apparatus of claim 1, wherein the integration device comprises a circuit board housed in the base portion (col.3 ln.34-40). It is implicit that the I/O component (#142) would contain a circuit board for the attachment of the disclosed hardware in Falcon column 3 lines 37-38.

With respect to claim 12, Falcon discloses the apparatus of claim 1, wherein the integration device is connected to the car stereo using a Firewire, D2B, MOST, CAN,

Art Unit: 2615

USB, USB2, IE Bus, T Bus, I Bus, or serial connection (col.6 ln.37-41).

With respect to claim 14, Falcon discloses the apparatus of claim 1, further comprising one or more auxiliary input ports connected to the integration device for integrating additional portable devices external to the docking station (col.7 ln.1-4).

With respect to claim 15, Falcon discloses a method for docking and integrating a portable audio device (fig.2,4 #102) for use with a car stereo (fig.4 #200), comprising: providing a docking station having a base portion, a bottom member connected to the base portion, a top member connected to the base portion, and an integration device (fig.2 #142) housed within the base portion (col.2 ln.48-51, col.3 ln.41-49); inserting a portable device into the docking station and connecting the portable device to a connector on the base portion (col.3 ln.43-46); and integrating the portable device with the integration device for use with a car stereo (col.3 ln.34-40). As described by Falcon in column 3 lines 41-49, the portable computing device is capable of being docked to an appliance in a number of assorted ways, wherein one of these ways includes inserting the device in a recessed portion of the appliance. A recessed portion would include a base portion with surrounding walls (bottom and top members) for surrounding the portable device. This can be seen in figure 4 of Falcon, wherein the portable device (#102) is docked within a recessed portion of the appliance (#200).

Art Unit: 2615

With respect to claim 21, Falcon discloses the method of claim 15, further comprising integrating a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, or satellite receiver with the car stereo (col.6 ln.41-47).

With respect to claim 22, Falcon discloses the method of claim 15, further comprising integrating an XM or SIRIUS satellite tuner with the car stereo (col.6 ln.41-47).

With respect to claim 24, Falcon discloses the method of claim 15, further comprising connecting the integration device to the car stereo using a Firewire, D2B, MOST, CAN, USB, USB2, IE Bus, T Bus, I Bus, or serial connection (col.6 ln.37-41).

With respect to claim 26, Falcon discloses the method of claim 15, further comprising connecting an external portable device to an auxiliary input port on the docking station and integrating the external portable device with the car stereo (col.7 ln.1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Holland (US 2002/0085730 A1).

With respect to claim 2, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the top member is hingedly connected at an edge to the base portion.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge to a base portion (fig.2 #3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the hinge of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 11, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the top member is pivotable away from the bottom member to allow access to the portable device.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is pivotable away (pg.1 [0009]) from the bottom member (fig.2 #3).

Art Unit: 2615

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pivot of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 16, Falcon discloses the method of claim 15, however does not disclose expressly further comprising opening the top member away from the bottom member prior to inserting the portable device into the docking station.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge to a base portion (fig.2 #3), wherein the top member is opened prior to inserting the portable device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the opening top member of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 17, Falcon discloses the method of claim 15, however does not disclose expressly further comprising closing the top member to retain the portable device in the docking station.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge

Art Unit: 2615

to a base portion (fig.2 #3), wherein the top member is closed to retain the portable device in the docking station.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the opening top member of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Byrne et al (US 6,648,661 B1).

With respect to claim 4, Falcon discloses the apparatus of claim 1, however does not disclose expressly further comprising a cable interconnected at one end to the integration device and at an opposite end to the car stereo.

Byrne discloses an apparatus that is capable of being docked to another apparatus through the use of a cable (fig.1 #15) interconnected between the apparatuses.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cable of Byrne to dock the portable apparatus and appliance of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while being docked to the appliance. This would give a user more mobility while using the system.

With respect to claim 18, Falcon discloses the method of claim 15, however does not disclose expressly further comprising interconnecting the integration device with the car stereo with a cable.

Byrne discloses an apparatus that is capable of being docked to another apparatus through the use of a cable (fig.1 #15) interconnected between the apparatuses.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cable of Byrne to dock the portable apparatus and appliance of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while being docked to the appliance. This would give a user more mobility while using the system.

Claims 5-6 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Northway et al (US 2002/0180767 A1).

With respect to claim 5, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the integration device is wirelessly connected to the car stereo.

Northway discloses a system of integrating two apparatuses through the use of a wireless signal transmitter/receiver device (fig.4 #144, pg.4 [0051]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the wireless communication system of Northway in the communication of the devices of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while in communication with the appliance. This would give a user more mobility while using the system.

With respect to claim 6, Falcon discloses the apparatus of claim 5 in view of Northway, wherein the integration device is connected to the car stereo by a Bluetooth wireless connection (Northway: pg.4 [0051]).

With respect to claim 19, Falcon discloses the method of claim 15, however does not disclose expressly further comprising establishing a wireless connection between the integration device and the car stereo.

Northway discloses a system of integrating two apparatuses through the use of a wireless signal transmitter/receiver device (fig.4 #144, pg.4 [0051]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the wireless communication system of Northway in the communication of the devices of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while in communication with the appliance. This would give a user more mobility while using the system.

With respect to claim 20, Falcon discloses the method of claim 19 in view of Northway, further comprising establishing a Bluetooth wireless connection between the integration device and the car stereo (Northway: pg.4 [0051]).

Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Stark et al (US 2004/0091123 A1).

With respect to claim 10, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the apparatus is mountable in a vehicle trunk.

Stark discloses an automobile audio system wherein a control apparatus (fig.1b #22') is mountable in the trunk (pg.4 [0050]).

At the time of the invention it would have been obvious to a person of ordinary skill in to mount the audio system of Falcon in the trunk of a vehicle as disclosed by Stark.

The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle as taught by Stark (pg.4 [0047]).

With respect to claim 23, Falcon discloses the method of claim 15, however does not disclose expressly wherein the apparatus further comprises mounting the docking station in a vehicle trunk.

Stark discloses an automobile audio system wherein a control apparatus (fig.1b #22') is mountable in the trunk (pg.4 [0050]).

At the time of the invention it would have been obvious to a person of ordinary skill in to mount the audio system of Falcon in the trunk of a vehicle as disclosed by Stark.

The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle as taught by Stark (pg.4 [0047]).

Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2).

With respect to claim 13, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the car stereo is an OEM or after-market car stereo.

Falcon does disclose wherein the portable device (fig.4 #102) identifies the type of appliance in which it is docked to, for the purpose of communicating with the appliance (col.4 ln.25-42). At the time of the invention it would have been obvious to a person of ordinary skill in the art that the appliance of Falcon could be an OEM car stereo or an after-market car stereo. The motivation for making the appliance an OEM stereo would have been to allow a user to have the functions of the portable device, such as integration with satellite radio, without having to spend money for after-market

equipment. The motivation for making the appliance an after-market stereo would have been to allow a user to upgrade their car stereo and still be able to use the portable devices interfacing functions.

With respect to claim 25 Falcon discloses the method of claim 15, however does not disclose expressly further comprising integrating the portable device with an after-market or OEM car stereo.

Falcon does disclose wherein the portable device (fig.4 #102) identifies the type of appliance in which it is docked to, for the purpose of communicating with the appliance (col.4 ln.25-42). At the time of the invention it would have been obvious to a person of ordinary skill in the art that the appliance of Falcon could be an OEM car stereo or an after-market car stereo. The motivation for making the appliance an OEM stereo would have been to allow a user to have the functions of the portable device, such as integration with satellite radio, without having to spend money for after-market equipment. The motivation for making the appliance an after-market stereo would have been to allow a user to upgrade their car stereo and still be able to use the portable devices interfacing functions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beckert et al (US 5,794,164) discloses a vehicle computer system.

Art Unit: 2615


Yasuhara (US 2003/0053638 A1) discloses an entertainment system for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Kurr whose telephone number is (571) 272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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